

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

June 11, 2025

Mario Mirabal
563 W 49TH ST
MIAMI BEACH, FL 33140

Appeal Number: 25-10862-CC
Case Style: KP Investments Miami, LLC v. Mario Mirabal
District Court Docket No: 1:25-cv-20747-JEM

NO ACTION / DEFICIENCY NOTICE

Notice that no action will be taken on Motion to take Supplemental judicial notice of KP investnebts' litigation and advancement and summary judgment request in State Court despite federal appeals rescission notices, and pending rule 60(d)(3) findings [10486567-2], Motion to take supplemenal judicial notice regarding Deutsche Bank and KP Investments' refusal to rescind title claims and litigation positions after federal offramp and while federal appeals remain pending [10486545-2] filed by Appellant Mario Mirabal.

Reason(s) no action being taken on filing(s): The filings are deficient for failure to comply with this Court's rules on Certificates of Interested Persons and Corporate Disclosure Statements. See 11th Cir. R. 26.1-1.

No deadlines will be extended as a result of your deficient filing. **If you refile a corrected document out of time (after its due date), it must be accompanied by an appropriate motion, i.e.,** a motion to file out of time, a motion to reinstate if the case has been dismissed, and/or a motion to recall the mandate if the mandate has issued.

Certificate of Interested Persons and Corporate Disclosure Statement ("CIP")

You failed to comply with the CIP rules by:

- not including a CIP in your filing. See 11th Cir. R. 26.1-1(a)(1).

CORRECTIVE ACTION

For motions for reconsideration or petitions for rehearing that are not permitted, no corrective action is required or permitted. Your filing will not be considered.

For mistaken filings, to have your document considered, **you must file the document in the correct court.**

For all other deficiencies, to have your document considered, you **must refile the entire document** after all the deficiencies identified above have been corrected and you **must include** any required items identified above **along with** the refiled document. No action will be taken if you only provide the missing items without refiling your entire document.

In addition, **if the corrected document is refiled out of time (after its due date), it must be accompanied by an appropriate motion, *i.e.*, a motion to file out of time, a motion to reinstate if the case has been dismissed, and/or a motion to recall the mandate if the mandate has issued.**

Clerk's Office Phone Numbers

General Information:	404-335-6100	Attorney Admissions:	404-335-6122
Case Administration:	404-335-6135	Capital Cases:	404-335-6200
CM/ECF Help Desk:	404-335-6125	Cases Set for Oral Argument:	404-335-6141

Notice No Action Taken

25-10862-LL

United States Court of Appeals for the Eleventh Circuit

Clerk's Office Submission — Pro Se Filing

From:

Mario Mirabal

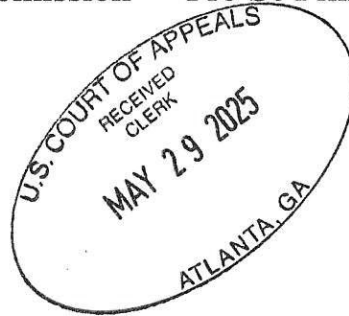
563 w 49 st

Miami Beach Fl, 33140

solphax@gmail.com

786.479.6596

May 27, 2025



To:

Office of the Clerk

Eleventh Circuit Court of Appeals

56 Forsyth Street, N.W.

Atlanta, GA 30303

Re:

Filing in Case Nos.:

25-10858, 25-10862, 25-11120, 25-11182, 25-11183, 25-11254Re: Supplemental Judicial Notice – KP's State Court Summary Judgment
Filing Despite Pending Appeals

Included Documents:

Court Cover Page

Table of Contents

Supplemental Judicial Notice

Certificate of Service

Certificate of Compliance

Certificate of Interested Persons

Please docket in all listed cases and route to the assigned judicial panels.

Respectfully submitted,

Mario Mirabal

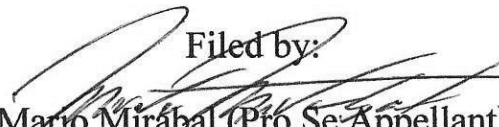
COURT COVER PAGE
IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

Case Nos.:

25-10858; 25-10862; 25-11120; 25-11182; 25-11183; 25-11254

SUPPLEMENTAL JUDICIAL NOTICE OF KP INVESTMENTS'
LITIGATION ADVANCEMENT AND SUMMARY JUDGMENT
REQUEST IN STATE COURT DESPITE FEDERAL APPEALS,
RESCISSION NOTICES, AND PENDING RULE 60(d)(3) FINDINGS

Filed by:


Mario Mirabal (Pro Se Appellant)

563 w 49 st

Miami Beach Fl, 33140

solphax@gmail.com

786.479.6596

May 27, 2025

TABLE OF CONTENTS

Court Cover

Supplemental Judicial Notice

Certificate of Service

Certificate of Compliance

Certificate of

Certificate of Interested Persons

SUPPLEMENTAL JUDICIAL NOTICE

TO THE HONORABLE COURT:

Appellant Mario Mirabal, pro se, respectfully submits this Supplemental Judicial Notice in the above-captioned and related appeals to notify this Court that KP Investments Miami, LLC has recently filed a second motion for summary judgment in state court (Miami-Dade Case No. 2024-022769-CA-01, before Judge Ariana Fajardo Orshan), while:

Multiple federal appeals remain pending before this Court,

Appellant's April 25, 2025 rescission notices remain unanswered,

Appellant's Rule 60(d)(3) fraud upon the court filings and emergency coordination motions are still under review.

I. RELEVANT PROCEDURAL BACKGROUND

KP Investments' title claim is based entirely on a warranty deed issued during a state foreclosure proceeding that was first dismissed with a binding settlement offer acknowledged by Judge Bokor in Deutsche's case No.: 2018-018704-CA-01- It was dismissed with prejudice based on settlement, in favor of Defendant Mario Mirabal, which Deutsche failed to honor when KP filed suit for specific performance.

Mr. Mirabal is the legal owner of the subject homestead and has continuously occupied and defended since 2008. Plaintiff KP's characterization of his status is a deliberate distortion of the legal record.

There was never a foreclosure judgment issued. The foreclosure action brought by Deutsche Bank was voluntarily dismissed without prejudice after Deutsche falsely claimed a settlement had been reached. What Deutsche failed to disclose was that:

The property had already been conveyed to KP via warranty deed while;

A Rule 1.540(b) motion alleging fraud and collusion was still pending in that case;

Defendant was under active bankruptcy protection, with adversary complaints against both Deutsche and KP.

Judge Brinkley, who ruled on the dismissal, was not informed of the deed transfer, nor of the ongoing federal litigation. She was later reassigned, and the 1.540(b) motion remains unadjudicated.

Plaintiff's claim of possession is entirely dependent on a fraudulent conveyance, executed to circumvent pending fraud litigation, and enforced in violation of both state and federal jurisdictional protections while;

A Rule 1.540(b) motion for fraud and collusion was pending;

Defendant was under federal bankruptcy protection;

Federal proceedings challenging the foreclosure and title transfer were underway.

Appellant has formally demanded rescission of KP's title claim and litigation posture via written notice dated April 25, 2025.

“Copies of these notices were furnished under seal to appropriate federal authorities.”

Notwithstanding those notices—and while this Court is actively considering federal jurisdiction and Rule 60(d)(3) fraud issues—KP has filed a second motion for summary judgment in the Orshan ejectment case, attempting to enforce possession of the property and finalize litigation on a tainted title.

This summary judgment filing occurred:

After federal removal and remand litigation;

After the filing of multiple Eleventh Circuit appeals (including 25-10858 and 25-10862);

While KP was on notice of the pending sealed federal claims and unresolved rescission demand.

II. NOTICE PURPOSE

This filing places the Court on formal notice that:

KP Investments is actively pursuing final judgment in state court based on a void and fraudulently obtained title;

KP's actions are designed to moot federal appellate jurisdiction by rushing judgment while review remains pending;

This constitutes ongoing interference with the jurisdiction of this Court, and violates the purpose and protection embedded in Rule 60(d)(3) and 28 U.S.C. § 1651 (All Writs Act).

III. REQUESTED ACKNOWLEDGMENT

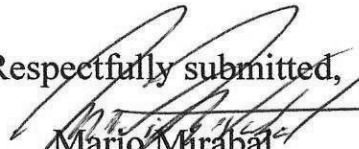
Appellant respectfully requests that this Honorable Court:

Take judicial notice of KP's ongoing litigation efforts to enforce a fraudulent deed;

Consider this activity in its review of pending appeals, emergency stay motions, and the forthcoming Emergency Motion to Accelerate Review and Coordinate Appeals;

Preserve the integrity of federal jurisdiction by recognizing that continued state litigation under these conditions constitutes constructive defiance of this Court's oversight.

Respectfully submitted,


Mario Mirabal

Pro Se Appellant

563 w 49 st

Miami Beach Fl, 33140

solphax@gmail.com

786.479.6596

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Supplemental Judicial Notice was served via U.S. Mail on this 27th day of June 2025, to:

Tyrone A. Adras, Esq. C. Wade Bowden, Esq. Ari H. Newman, Esq.

Greenberg Traurig, P.A.

333 SE 2nd Avenue, Suite 4400

Miami, FL 33131

Matthew Marks, Esq.

Brock & Scott, PLLC

2001 NW 64th Street, Suite 130

Fort Lauderdale, FL 33309

Counsel for KP Investments Miami, LLC

John Cunill, Esq.

Adorno-Cunill & Damas, PL
1000 Brickell Avenue, Suite 720
Miami, Florida 33131

Kenneth M. Damas, Esq.
300 Sevilla Ave Ste 210
Coral Gables, FL 33134

Clerk, U.S. Court of Appeals for the Eleventh Circuit
56 Forsyth Street, N.W., Atlanta, GA 30303

Each recipient was served in connection with their role in the related lower court proceedings and as counsel of record in one or more consolidated appeals.

The full filing is available to all parties via the PACER system.

Respectfully,


Mario Mirabal

Pro Se Appellant

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with Fed. R. App. P. 27(d) and 32(g). It is written in 14-point, proportionally spaced Times New Roman font and

contains fewer than 1,300 words, excluding exempt sections.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mario Mirabal', is written over the typed name. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Mario Mirabal

Pro Se Appellant

563 w 49 st

Miami Beach Fl, 33140

solphax@gmail.com

786.479.6596

ED STATES
IL SERVICE®

PRIORITY
MAIL
EXPRESS®



RDC 07

PME
MIAMI BEACH, FL 33140
MAY 27, 2025
\$44.15
S2324M502961-05



PRIORITY
MAIL
EXPRESS®



ER 134 754 060 US

CUSTOMER USE ONLY

FROM: (PLEASE PRINT)

PHONE 305.474.6596

Mario Michel
5630 W 49th St
Miami Beach, FL 33140

DELIVERY OPTIONS (Customer Use Only)

☐ SIGNATURE REQUIRED Note: The mailer must check the "Signature Required" box if the mailer: 1) Requires the addressee's signature, OR 2) Purchases additional insurance, OR 3) Purchases COD service, OR 4) Purchases Return Receipt service. If the box is not checked, the Postal Service will leave the item in the addressee's delivery options.
☐ No Saturday Delivery (delivered next business day)
☐ Sunday/Holiday Delivery Required (additional fee, where available)
*Refer to USPS.com or local Post Office for availability.

TO: (PLEASE PRINT)

PHONE ()

Clark of Court
U.S. Court of Appeals for the
Eleventh Circuit
56 Forsyth Street NW
Atlanta GA 30303

ZIP + 4 (U.S. ADDRESSES ONLY)

- For pickup or USPS Tracking™, visit USPS.com or call 800-222-1811.
- \$100.00 Insurance Included.

← PEEL FROM THIS CORNER

PAYMENT BY ACCOUNT (if applicable)
Federal Agency Acct. No. or Postal Service™ Acct. No.

ORIGIN (POSTAL SERVICE USE ONLY)

☐ 1-Day	☐ 2-Day	☐ Military	☐ DPO
PO ZIP Code 33140	Scheduled Delivery Date (MM/DD/YY) 5-28-25	Postage \$44.15	
Date Accepted (MM/DD/YY) 5-27-25	Scheduled Delivery Time 5:00 PM	Insurance Fee \$	COD Fee \$
Time Accepted 12:30	☐ AM ☒ PM	Return Receipt Fee \$	Live Animal Transportation Fee \$
Special Handling/Fragile \$	Sunday/Holiday Premium Fee \$	Total Postage & Fees 44.15	
Weight Lb. Oz.	Acceptance Employee Initials LJ		

DELIVERY (POSTAL SERVICE USE ONLY)

Delivery Attempt (MM/DD/YY) Time ☐ AM ☐ PM	Employee Signature
Delivery Attempt (MM/DD/YY) Time ☐ AM ☐ PM	Employee Signature

LABEL 11-B, NOVEMBER 2023 PSN 7890-02-000-0008

CLEARED SECURITY

MAY 29 2025

U.S. MARSHALS SERVICE
11th Circuit Court of Appeals (COA)

United States Court of Appeals for the Eleventh Circuit

Clerk's Office Submission — Pro Se Filing

From:

Mario Mirabal Pro se

563 w 49 st

Miami Beach Fl, 33140

solphax@gmail.com

786.479.6596

May 27, 2025



To:

Office of the Clerk

Eleventh Circuit Court of Appeals

56 Forsyth Street, N.W.

Atlanta, GA 30303

Re:

Filing in Case Nos.:

25-10858, 25-10862, 25-11120, 25-11182, 25-11183, 25-11254

Re: Supplemental Judicial Notice Regarding Deutsche Bank and KP Investments' Refusal to Rescind Title Claims and Litigation Positions

Included Documents:

Court Cover Page

Table of Contents

Supplemental Judicial Notice

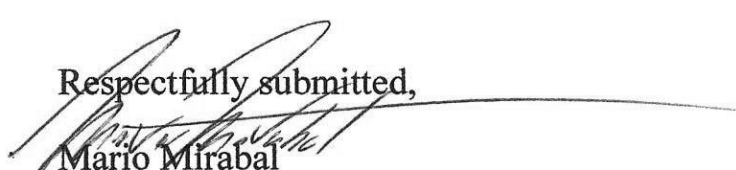
Certificate of Service

Certificate of Compliance

Certificate of Interested Persons (to be attached)

Please docket in all listed cases and distribute to the appropriate judicial panels.

Respectfully submitted,


Mario Mirabal

COURT COVER PAGE
IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

Case Nos.:

25-10858; 25-10862; 25-11120; 25-11182; 25-11183; 25-11254

SUPPLEMENTAL JUDICIAL NOTICE REGARDING DEUTSCHE
BANK AND KP INVESTMENTS' REFUSAL TO RESCIND TITLE
CLAIMS AND LITIGATION POSITIONS AFTER FEDERAL OFFRAMP
AND WHILE FEDERAL APPEALS REMAIN PENDING

Filed by:


Mario Mirabal (Pro Se Appellant)

563 w 49 st

Miami Beach Fl, 33140

solphax@gmail.com

786.479.6596

May 27, 2025

TABLE OF CONTENTS

Court Cover Page

Supplemental Judicial Notice

Certificate of Service

Certificate of Compliance

Certificate of Interested Persons

SUPPLEMENTAL JUDICIAL NOTICE

TO THE HONORABLE COURT:

Appellant Mario Mirabal, pro se, respectfully submits this Supplemental Judicial Notice in the above-captioned and related appeals to inform the Court that both Deutsche Bank National Trust Company and KP Investments Miami, LLC have refused to rescind their title claims and litigation posture, despite formal notice of contested federal jurisdiction and multiple pending appeals involving Rule 60(d)(3) fraud upon the court and sealed federal oversight.

I. PROCEDURAL CONTEXT

Appellant has initiated multiple federal appeals and emergency motions before this Court concerning fraudulent title transfers involving his homestead property. These appeals include, but are not limited to, Case Nos. 25-10858, 25-10862, 25-11120, 25-11254, 25-11182, and 25-11183.

On April 25, 2025, Appellant issued formal rescission demands to Deutsche Bank's counsel and KP Investments' counsel, identifying the fraudulent and constitutionally defective basis of their asserted title claims and litigation posture.

These rescissions were issued in light of:

Fraudulent foreclosure dismissal conducted while a Rule 1.540(b) motion remained pending in state court;

The issuance of a warranty deed to KP Investments in violation of due process and federal protections;

KP's continued litigation efforts in ejectment and summary judgment proceedings while multiple federal appeals and sealed fraud claims remain unresolved.

Both Deutsche Bank and KP Investments refused to rescind. Their continued participation in litigation constitutes willful disregard of:

Active federal jurisdiction,

Rule 60(d)(3) fraud-on-the-court,

Appellant's federal constitutional rights and property protections under pending review.

Both Deutsche Bank and KP Investments were provided with formal rescission demands dated April 25, 2025. Copies of these notices and Appellant's MOTION FOR RELIEF FROM JUDGMENT UNDER RULE 60(d)(3) BASED ON FRAUD UPON THE COURT (including Appendices A–E) were furnished under seal to appropriate federal authorities. Due to the sensitive nature of related sealed oversight, those documents are not appended here.

II. PURPOSE OF THIS NOTICE

This Court is respectfully asked to take judicial notice that:

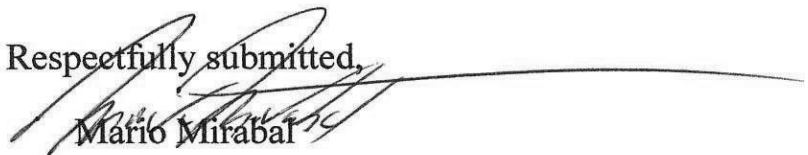
Both parties have been formally notified of the federal overlay and the jurisdictional consequences of continuing to advance litigation under contested title;

Both parties are continuing to litigate knowingly, after formal rescission notice and with actual knowledge of multiple pending Eleventh Circuit appeals involving their conduct;

The refusal to withdraw title claims constitutes ongoing interference with federal appellate review UNDER RULE 60(d)(3), as well as continued risk of prejudice to the administration of justice in this Court.

This notice is submitted to preserve the appellate record, ensure transparency of adverse party behavior, and support pending motions for acceleration and coordination across all dockets.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mario Mirabal', is written over a horizontal line.

Pro Se Appellant

563 w 49 st

Miami Beach Fl, 33140

solphax@gmail.com

786.479.6596

May 27, 2025

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of June 2025, I served a true and correct copy of the foregoing Supplemental Judicial Notice via U.S. Mail to:

Tyrone A. Adras, Esq. C. Wade Bowden, Esq. Ari H. Newman, Esq.

Greenberg Traurig, P.A.

333 SE 2nd Avenue, Suite 4400

Miami, FL 33131

Matthew Marks, Esq.

Brock & Scott, PLLC

2001 NW 64th Street, Suite 130

Fort Lauderdale, FL 33309

Counsel for KP Investments Miami, LLC

John Cunill, Esq.

Adorno-Cunill & Damas, PL

1000 Brickell Avenue, Suite 720

Miami, Florida 33131

Kenneth M. Damas, Esq.
300 Sevilla Ave Ste 210
Coral Gables, FL 33134

Clerk, U.S. Court of Appeals for the Eleventh Circuit
56 Forsyth Street, N.W., Atlanta, GA 30303

Each recipient was served in connection with their role in the related lower court proceedings and as counsel of record in one or more consolidated appeals.

The full filing is available to all parties via the PACER system.

Respectfully,

Mario Mirabal

CERTIFICATE OF COMPLIANCE

Pursuant to Fed. R. App. P. 32(g), I certify that this filing complies with the applicable formatting and type-volume requirements. It is prepared in 14-point Times New Roman font, double-spaced, and contains fewer than 1,300 words, excluding exempt sections.

Respectfully,


Mario Mirabal

Pro se

563 w 49 st

Miami Beach Fl, 33140

solphax@gmail.com

786.479.6596

May 27, 2025

ED STATES
IL SERVICE®

PRIORITY
MAIL
EXPRESS®



RDC 07

PME
MIAMI BEACH, FL 33140
MAY 27, 2025
Page 11 of 11
\$44.15
S2324M502961-05



PRIORITY
MAIL
EXPRESS®



ER 134 754 060 US

CUSTOMER USE ONLY

FROM: (PLEASE PRINT)

PHONE 305.474.6596

Mario Michel
5630 W 49th
Miami Beach FL 33140

DELIVERY OPTIONS (Customer Use Only)

☐ SIGNATURE REQUIRED Note: The mailer must check the "Signature Required" box if the mailer: 1) Requires the addressee's signature, OR 2) Purchases additional insurance, OR 3) Purchases COD service, OR 4) Purchases Return Receipt service. If the box is not checked, the Postal Service will leave the item in the addressee's delivery options.
☐ No Saturday Delivery (delivered next business day)
☐ Sunday/Holiday Delivery Required (additional fee, where available)
*Refer to USPS.com for local Post Office for availability.

TO: (PLEASE PRINT)

PHONE ()

Clark of Court
U.S. Court of Appeals for the
Eleventh Circuit
56 Forsyth Street NW
Atlanta GA 30303

ZIP + 4 (U.S. ADDRESSES ONLY)

- For pickup or USPS Tracking™, visit USPS.com or call 800-222-1811.
- \$100.00 Insurance Included.

← PEEL FROM THIS CORNER

PAYMENT BY ACCOUNT (if applicable)

Federal Agency Acct. No. or Postal Service™ Acct. No.

ORIGIN (POSTAL SERVICE USE ONLY)

☐ 1-Day	☐ 2-Day	☐ Military	☐ DPO
PO ZIP Code 33140	Scheduled Delivery Date (MM/DD/YY) 5-28-25	Postage \$44.15	
Date Accepted (MM/DD/YY) 5-27-25	Scheduled Delivery Time 5:00 PM	Insurance Fee \$	COD Fee \$
Time Accepted 12:30	☐ AM ☒ PM	Return Receipt Fee \$	Live Animal Transportation Fee \$
Special Handling/Fragile \$	Sunday/Holiday Premium Fee \$	Total Postage & Fees 44.15	
Weight Lb. Oz.	Acceptance Employee Initials LJ		

DELIVERY (POSTAL SERVICE USE ONLY)

Delivery Attempt (MM/DD/YY)	Time ☐ AM ☐ PM	Employee Signature
Delivery Attempt (MM/DD/YY)	Time ☐ AM ☐ PM	Employee Signature

LABEL 11-B, NOVEMBER 2023 PSN 7890-02-000-0008

CLEARED SECURITY

MAY 29 2025

U.S. MARSHALS SERVICE
11th Circuit Court of Appeals (COA)